

AMENDED IN ASSEMBLY MAY 6, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1479

Introduced by Assembly Member Chu

February 21, 2003

An act to amend ~~Sections 11205 and 11214 of Section 11222 of, to add Sections 11205.2 and 11205.3 to, and to repeal and add Section 11205.1~~ Sections 11205, 11205.1, and 11214 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as amended, Chu. Vehicles: traffic violator schools.

(1) *Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the traffic violator school referral list published by the Department of Motor Vehicles which is transmitted to the courts. Existing law requires the approval of the court in each judicial district in which a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on this referral list.*

This bill would impose those duties, as revised, on the department rather than the courts and would delete the provisions currently requiring court approval of traffic violator schools. The bill would also require the department to publish a list of the owners and operators of licensed traffic violator schools, with copies provided to the courts, and to publish this list quarterly.

(2) *Existing law requires a court to use either the current list of traffic violator schools published by the department or a statewide*

referral list published by a nonprofit agency utilized by the courts for administration and monitoring services.

The bill would require the department to publish and revise, at least bimonthly, a classroom referral list consisting of the department's approved names of those licensed traffic violator schools that offer the classroom method of instruction, as specified. The bill would require a court to use the current classroom referral list published by the department when a person is ordered by a court to complete a program of traffic safety instruction.

(3) Existing law authorizes the courts to utilize the services of a nongovernmental agency for traffic violator school administration and monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services. The fee is limited to the actual cost incurred by the agency or \$5, whichever is less.

The bill would authorize a court to use court assistance program or CAP, as defined, to assist the court in performing services, as defined, relating to the processing of traffic violators. This bill would delete the \$5 limitation on the amount of the fee that may be imposed and would prohibit a court assistance program from performing or duplicating services provided by the department.

(4) Existing law authorizes the department to monitor traffic violator schools, as specified.

This bill would repeal this existing authorization, and instead, would authorize the department to audit, inspect, and monitor all licensed traffic violator schools as described. The bill would require a court assistance program to follow a specific procedure if that program has been requested by a court to conduct the school monitoring services.

(5) This bill would provide that its provisions shall not become operative if AB 435 is enacted and becomes operative on or before January 1, 2004.

~~(1) Under existing law, when a court orders a person to complete a traffic violator school, as specified, the court is required to use either a current referral list of traffic violator schools published by the Department of Motor Vehicles or a statewide referral list published by a nonprofit agency with whom the court contracts for traffic violator school administration and monitoring services. Existing law requires an agency that contracts with a court to provide those services to monitor each traffic violator school classroom location situated within the judicial districts in which the agency provides services to the courts and represented on the court's referral list. Existing law requires the agency~~

~~to forward related reports, monthly, to the Department of Motor Vehicles and the courts.~~

~~Existing law permits a court to charge a traffic violator a fee to defray the costs incurred by the agency for the reports and services it provides.~~

~~This bill would require the court to use only the referral list of traffic violator schools published by the department. The bill would prohibit a nonprofit agency from monitoring traffic violator schools and would instead permit a court to use or contract with a nonprofit agency to assist the court in performing in-court administrative services, as defined, related to the processing of traffic violators. The bill would prohibit the nonprofit agency from performing or duplicating any service or function of the department, related to traffic violator schools, and from issuing certificates of completion or providing testing services for a licensed traffic violator school.~~

~~The bill would permit a court to charge and collect a fee from the traffic violator to defray the costs of the agency for providing in-court administrative services.~~

~~(2) Existing law permits the department to monitor any school for traffic violators.~~

~~This bill, instead, would grant the department exclusive authority to monitor licensed traffic violator schools and would enumerate examples of monitoring function. The bill would require the department to provide resources and staff to monitor traffic violator schools, as specified.~~

~~(3) The bill would make other technical, nonsubstantive changes.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11205 of the Vehicle Code, as amended~~
2 ~~SECTION 1. Section 11205 of the Vehicle Code, as amended~~
3 ~~by Section 455.5 of Chapter 931 of the Statutes of 1998, is~~
4 ~~repealed.~~
5 ~~11205. (a) The department shall publish a traffic violator~~
6 ~~school referral list of all the approved locations of traffic violator~~
7 ~~school classes, by school name, to be transmitted to each municipal~~
8 ~~court in the state, and to each superior court in a county in which~~
9 ~~there is no municipal court, in sufficient quantity to allow the~~
10 ~~courts to provide a copy to each person referred to traffic violator~~

1 ~~school. The list shall be revised at least twice annually and~~
2 ~~transmitted to the courts by the first day of January and the first day~~
3 ~~of July. It shall include all of the following:~~

4 ~~(1) The name of each traffic violator school or, pursuant to~~
5 ~~subdivision (d), the general term “traffic violator school”~~
6 ~~followed by its traffic violator school license number.~~

7 ~~(2) A phone number used for student information.~~

8 ~~(3) The county and the judicial district.~~

9 ~~(4) The cities where classes are available.~~

10 ~~(b) Each traffic violator school owner shall be permitted one~~
11 ~~school name in a judicial district.~~

12 ~~(c) The list shall be organized alphabetically in sections for~~
13 ~~each county and subsections for each judicial district within the~~
14 ~~county. The order of the names within each judicial district shall~~
15 ~~be random pursuant to a drawing or lottery conducted by the~~
16 ~~department.~~

17 ~~(d) On the list prepared by the department under subdivision~~
18 ~~(e), each traffic violator school shall appear by name unless a court~~
19 ~~determines, pursuant to subdivision (e), that a name is~~
20 ~~inappropriate and directs the department to delete the name and~~
21 ~~instead list the school by the term “traffic violator school”~~
22 ~~followed by its license number. The deletion of the name of a~~
23 ~~school from the list for a judicial district shall not affect whether~~
24 ~~that school appears by name on the list for any other judicial~~
25 ~~district within the state. In making a determination under this~~
26 ~~subdivision regarding the deletion of a name from the list, the court~~
27 ~~shall use as its criteria whether the name is misleading to the~~
28 ~~public, undignified, or implies that the school offers inducements~~
29 ~~or premiums which derogate or distort the instructional intent of~~
30 ~~the traffic safety program.~~

31 ~~(e) When the department transmits any referral list pursuant to~~
32 ~~subdivision (a), each court shall do all of the following:~~

33 ~~(1) Within 30 days of receipt of the list, notify the school owner~~
34 ~~of any school name that the court intends to remove from the~~
35 ~~referral list.~~

36 ~~(2) Within 60 days of receipt of the list, make every effort to~~
37 ~~schedule, conduct, and complete a hearing for the school owner,~~
38 ~~or a representative, if requested, at which the sole issue shall be~~
39 ~~whether the name violates the standards set forth in subdivision~~

1 ~~(d). A substitute name may be submitted to the court at the~~
2 ~~conclusion of the hearing, pursuant to subdivision (h).~~

3 ~~(3) Within 10 days of the completion of that hearing, notify the~~
4 ~~department and school owner of any school names it intends to~~
5 ~~remove from the referral list.~~

6 ~~(f) In order for a court action to delete a school name from the~~
7 ~~next referral list published by the department, the department shall~~
8 ~~receive court notification no later than 90 days prior to publication~~
9 ~~of the next referral list and, absent a direct order by the appellate~~
10 ~~division of the superior court or a court of higher jurisdiction, the~~
11 ~~department shall not fail to publish a referral list on the grounds~~
12 ~~that there exists pending litigation or appeals concerning the lists.~~

13 ~~(g) Any court notifying the department of a school name it~~
14 ~~intends to remove from the list, pursuant to this section, shall~~
15 ~~provide the school owner with the name of the judge making those~~
16 ~~findings.~~

17 ~~(h) When a court informs a school owner, pursuant to~~
18 ~~subdivision (e), of its decision to delete the name of a traffic~~
19 ~~violation school from that judicial district's subsection of the~~
20 ~~department's traffic violation school referral list, the owner may, on~~
21 ~~a form approved by the department, submit a substitute name to the~~
22 ~~court and request approval of that name. The court shall, within 30~~
23 ~~days of receipt of the request for approval of the substitute name,~~
24 ~~inform the department and the school owner, on a form approved~~
25 ~~by the department, of its approval or rejection of the substitute~~
26 ~~name. The school owner may continue this appeal process for~~
27 ~~approval of a substitute name until the court determines that the~~
28 ~~name does not violate the standard set forth in subdivision (d). A~~
29 ~~name approval in a judicial district shall not affect the school's~~
30 ~~name or listing in any other district in the state. The department~~
31 ~~shall not impose any fee or license requirement under this~~
32 ~~subdivision.~~

33 ~~(i) If a court fails to act within 30 days on a request of a traffic~~
34 ~~violation school owner, pursuant to subdivision (h), the proposed~~
35 ~~substitute name shall be deemed approved by the court for the~~
36 ~~purposes of the traffic violation school referral list.~~

37 ~~(j) (1) Every application filed with the department on and after~~
38 ~~June 1, 1991, for an original license by a traffic school owner or~~
39 ~~for approval to conduct classes in a judicial district not previously~~
40 ~~approved, shall be accompanied by the approval of the court in~~

1 each judicial district proposed for those operations of the name of
2 the school, on a form approved by the department for that purpose.
3 For the approved name to be included in the traffic violator school
4 referral list, the form shall be received by the department no later
5 than 90 days prior to publication.

6 ~~(2) When a court disapproves a school name pursuant to this~~
7 ~~subdivision, the court shall notify the school owner within 30 days~~
8 ~~of its disapproval and schedule a hearing for that school owner, or~~
9 ~~a representative, if requested, at which the sole issue shall be~~
10 ~~whether the name violates the standards set forth in subdivision~~
11 ~~(d). A substitute name may be submitted to the court at the~~
12 ~~conclusion of the hearing, pursuant to subdivision (h).~~

13 ~~(3) The court shall make every effort to schedule, conduct, and~~
14 ~~complete a hearing within 60 days of receipt of the school owner's~~
15 ~~request for a school name approval. A name approval in a judicial~~
16 ~~district shall not affect the school's name or listing in any other~~
17 ~~district in the state. A change in physical location by a school~~
18 ~~within a judicial district shall not require approval pursuant to this~~
19 ~~subdivision.~~

20 ~~(k) The department shall publish a list of the owners of traffic~~
21 ~~violator schools. One copy shall be provided to each municipal~~
22 ~~court in the state, and to each superior court in a county in which~~
23 ~~there is no municipal court. This list shall be revised at least twice~~
24 ~~annually and transmitted to the courts by the first day of January~~
25 ~~and the first day of July. This list shall include all of the following:~~

26 ~~(1) The name of each school, grouped by owner.~~

27 ~~(2) The business office address.~~

28 ~~(3) The business office telephone number.~~

29 ~~(4) The license number.~~

30 ~~(5) The owner's name.~~

31 ~~(6) The operator's name.~~

32 ~~(l) Except as otherwise provided in subdivision (d) of Section~~
33 ~~42005, the court shall use either the current list of traffic violator~~
34 ~~schools published by the department when it orders a person to~~
35 ~~complete a traffic violator school pursuant to subdivision (a) or (b)~~
36 ~~of Section 42005 or, when a court utilizing a nonprofit agency for~~
37 ~~traffic violator school administration and monitoring services in~~
38 ~~which all traffic violator schools licensed by the department are~~
39 ~~allowed the opportunity to participate, a statewide referral list~~
40 ~~may be published by the nonprofit agency and distributed by the~~

~~court. The agency shall monitor each classroom location situated within the judicial districts in which that agency provides services to the courts and is represented on its referral list. The monitoring shall occur at least once every 90 days with reports forwarded to the department and the respective courts on a monthly basis.~~

~~(m) The court may charge a traffic violator a fee to defray the costs incurred by the agency for the monitoring reports and services provided to the court. The court may delegate collection of the fee to the agency. Fees shall be approved and regulated by the court. Until December 31, 1996, the fee shall not exceed the actual cost incurred by the agency or five dollars (\$5), whichever is less.~~

~~(n) If any provision of subdivision (d) or (e), as added by Section 4 of Assembly Bill 185 of the 1991-92 Regular Session, or the application thereof to any person, is held to be unconstitutional, this section is repealed on the date the decision of the court so holding becomes final.~~

SEC. 2. Section 11205 of the Vehicle Code, as amended by Section 456 of Chapter 931 of the Statutes of 1998 is repealed.

~~11205. (a) The department shall publish semiannually, or more often as necessary to serve the purposes of this act, a list of all traffic violator schools which are licensed pursuant to this section. The list shall identify classroom facilities within a judicial district that are at a different location from a licensed school's principal facility. The department shall transmit the list to each municipal court and to each superior court in a county in which there is no municipal court, with a sufficient number of copies to allow the courts to provide one copy to each person referred to a licensed traffic violator school. The department shall, at least semiannually, revise the list to ensure that each court has a current list of all licensed traffic violator schools.~~

~~(b) Each licensed traffic violator school owner shall be permitted one school name per judicial district.~~

~~(c) The referral list shall be organized alphabetically, in sections for each county, and contain subsections for each judicial district within the county. The order of the names within each judicial district shall be random pursuant to a drawing or lottery conducted by the department.~~

~~(d) Except as otherwise provided in subdivision (d) of Section 42005, the court shall use either the current referral list of traffic~~

~~1 violator schools published by the department when it orders a
2 person to complete a traffic violator school pursuant to subdivision
3 (a) or (b) of Section 42005 or, when a court utilizing a nonprofit
4 agency for traffic violator school administration and monitoring
5 services in which all traffic violator schools licensed by the
6 department are allowed the opportunity to participate, a statewide
7 referral list may be published by the nonprofit agency and
8 distributed by the court. The agency shall monitor each classroom
9 location situated within the judicial districts in which that agency
10 provides services to the courts and is represented on its referral list.
11 The monitoring shall occur at least once every 90 days with reports
12 forwarded to the department and the respective courts on a
13 monthly basis.~~

~~14 (c) The court may charge a traffic violator a fee to defray the
15 costs incurred by the agency for the monitoring reports and
16 services provided to the court. The court may delegate collection
17 of the fee to the agency. Fees shall be approved and regulated by
18 the court. Until December 31, 1996, the fee shall not exceed the
19 actual cost incurred by the agency or five dollars (\$5), whichever
20 is less.~~

~~21 (f) If any provision of subdivision (d) or (e) of Section 11205,
22 as added by Section 4 of Assembly Bill 185 of the 1991-92
23 Regular Session, or the application thereof to any person, is held
24 to be unconstitutional, that Section 11205 is repealed on the date
25 the decision of the court so holding becomes final, and on that date,
26 this section shall become operative.~~

SEC. 3. Section 11205 is added to the Vehicle Code, to read:

*11205. (a) Each traffic violator school owner shall submit a
29 proposed name to the department, on a form approved by the
30 department, and request name approval for the traffic violator
31 school. The department may not impose a fee for the submission
32 of this application.*

*(b) The department shall have 30 days to act on the request for
34 name approval. If the department fails to act within 30 days of
35 receipt of this application for name approval, then the proposed
36 name shall be deemed approved by the department for use by the
37 traffic violator school for all purposes.*

*(c) In making a determination under this section of whether or
39 not to approve a proposed name, the department shall use as its
40 criteria whether the proposed name is misleading to the public,*

1 *undignified, or implies that the applicant offers inducements or*
2 *premiums that derogate or distort the instructional intent of the*
3 *traffic safety program.*

4 *(d) If the department approves the proposed name, the*
5 *department shall notify the applicant of its decision within the time*
6 *period set forth in subdivision (b).*

7 *(e) (1) Whenever the department determines that the proposed*
8 *name is not in compliance with subdivision (c), the department*
9 *shall immediately notify the applicant that the department has*
10 *disapproved the proposed name. In its written notice to the*
11 *applicant of its decision to reject the proposed name, the*
12 *department shall set forth the specific basis, rational, and*
13 *supporting evidence for the department's decision. A recital of the*
14 *criteria set forth in subdivision (c) is not sufficient to meet this*
15 *requirement.*

16 *(2) If requested by the applicant or its representative, the*
17 *department shall schedule a hearing for that applicant at which*
18 *hearing the sole issue shall be whether the name violates the*
19 *criteria under subdivision (c).*

20 *(3) The department shall make every effort to schedule,*
21 *conduct, and complete a hearing within 60 days of receipt of the*
22 *applicant's request for a hearing.*

23 *(f) A substitute proposed name may be submitted under this*
24 *section to the department for approval at any time before or after*
25 *the conclusion of the hearing. The department shall, within 30*
26 *days of receipt of the request for approval of the substitute name,*
27 *inform the applicant, on a form approved by the department, of its*
28 *approval or rejection of the substitute name. The applicant may*
29 *continue this appeal process for approval of a substitute name until*
30 *the department determines that the name does not violate the*
31 *criteria under subdivision (c).*

32 *(g) A decision by the department to reject a proposed name or*
33 *substitute name may be reviewed by any court of competent*
34 *jurisdiction.*

35 *SEC. 4. Section 11205.1 of the Vehicle Code is repealed.*

36 ~~11205.1. The fee authorized in subdivision (m) of Section~~
37 ~~11205 shall be applicable only in those instances where a traffic~~
38 ~~violation has agreed to attend or has been ordered to attend a traffic~~
39 ~~violation school pursuant to Section 42005, a licensed driving~~

1 ~~school, or any other court-approved program for driving~~
2 ~~instruction.~~

3 SEC. 5. Section 11205.1 is added to the Vehicle Code, to read:

4 11205.1. (a) The department shall publish a list of the owners
5 and operators of traffic violator schools licensed by the
6 department. At least one copy shall be provided to each superior
7 court in the state. This list shall be revised at least quarterly and
8 transmitted to the courts by the tenth day of the months of January,
9 April, July, and October.

10 (b) The list published in subdivision (a) shall include all of the
11 following:

12 (1) The department approved name of a traffic violator school.
13 (2) The business office address of the traffic violator school.
14 (3) The business office telephone number of the traffic violator
15 school.

16 (4) The license number of the traffic violator school.

17 (5) The traffic violator school owner's name.

18 (6) The traffic violator school operator's name.

19 (7) The traffic violator school's Web site address, if any.

20 SEC. 6. Section 11205.2 is added to the Vehicle Code, to read:

21 11205.2. (a) The department shall publish a classroom
22 referral list consisting of the department's approved names of those
23 licensed traffic violator schools that offer the classroom method of
24 instruction. The department shall transmit copies of the classroom
25 referral list to each superior court in the state in sufficient quantity
26 to ensure the courts provide a whole, nonexcerpted copy of the
27 classroom referral list to each person referred by the court to a
28 traffic violator school under Section 42005. The list shall be
29 revised at least bimonthly, or more often as necessary to serve the
30 purposes of this chapter, and sent to the courts by the first day of
31 each odd-numbered month.

32 (b) (1) The classroom referral list shall include the following:

33 (A) The name of the traffic violator school approved under
34 Section 11205.

35 (B) A telephone number to be used by students for information.

36 (C) The name of the county, judicial district, and city for each
37 approved classroom location.

38 (D) A Web site address, if the school has one.

1 (2) *Each traffic violator school listed in the classroom referral*
2 *list shall appear by its approved name and shall be permitted one*
3 *department-approved school name in a judicial district.*

4 (3) *The classroom referral list shall be organized*
5 *alphabetically in sections for each city within a county and in*
6 *subsections for each judicial district within the county. The name*
7 *of a traffic violator school shall appear in each city in which the*
8 *school has an approved classroom location. The order of the traffic*
9 *violator school names listed within each city shall be random in*
10 *accordance to the department's development and implementation*
11 *of a system of computer generated, randomly selected numbers or*
12 *rotated within each subsection for each copy of the list that is*
13 *printed.*

14 (c) *Each court shall use the current classroom referral list*
15 *published by the department, when the court orders a person to*
16 *complete a program of traffic safety instruction pursuant to*
17 *Section 42005.*

18 (d) *The department may augment, but not replace, the printing*
19 *and distribution of the classroom referral list by also electronically*
20 *publishing copies of these referral lists on the department's Web*
21 *site.*

22 SEC. 7. *Section 11205.3 is added to the Vehicle Code, to read:*
23 *11205.3. (a) As used in this section and Section 11214, court*
24 *assistance program or, "CAP" is a public or private nonprofit*
25 *agency.*

26 (b) *A court may use a CAP to assist the court in performing*
27 *services related to the processing of traffic violators. As used in this*
28 *section, "services" includes those services relating to the*
29 *processing of traffic violators at, and for, the court.*

30 (c) *Except as provided in subdivision (d), in providing its*
31 *services to a court, a CAP shall not perform or duplicate any*
32 *service, function, or responsibility of the department set forth in*
33 *this chapter or in the department's regulations related to traffic*
34 *violator schools. A CAP utilized by a court may not issue*
35 *certificates of completion or provide testing services for a licensed*
36 *traffic violator school.*

37 (d) *Whenever a CAP monitors a designated traffic violator*
38 *school at the request of a court, the CAP shall follow the*
39 *procedures set forth in subdivision (d) of Section 11214. The CAP*
40 *shall send its monitoring report to the department for review,*

1 evaluation, processing and any further action determined
2 necessary by the department. A copy of the report shall also be
3 provided to the court. A CAP has no authority over a traffic
4 violator school, other than as provided in this section. Nothing in
5 this section shall be construed to abrogate or limit the inherent
6 powers of the courts under Article VI of the California
7 Constitution.

8 (e) The court may charge the traffic violator a fee to defray the
9 costs incurred by the CAP to provide its services to the court. Fees
10 shall be established, approved, and regulated by the court. If a fee
11 is imposed, it shall be collected by the court from the traffic
12 violator. The court may delegate collection of the fee to the CAP.
13 Any fee authorized by this subdivision shall be applicable only in
14 those cases where a traffic violator has agreed to attend or has
15 been ordered to attend a program of traffic safety instruction
16 pursuant to Section 42005. The fee shall not apply to those
17 non-traffic violator persons who elect to attend a traffic violator
18 school under to Section 11200.

19 (f) This section does not preclude a court from entering into a
20 contract with public or private nonprofit agencies to provide
21 services to the court, other than those described in this section.

22 SEC. 8. Section 11214 of the Vehicle Code is repealed.

23 ~~11214. The department may monitor any school for traffic~~
24 ~~violators, including any traffic violator school branch or~~
25 ~~classroom location, without advance notice. The monitoring may~~
26 ~~include, but is not limited to, the instruction provided, business~~
27 ~~practices, and business records.~~

28 SEC. 9. Section 11214 is added to the Vehicle Code, to read:

29 11214. (a) The department has the exclusive authority to
30 audit, inspect, and, except as provided in subdivision (d) of section
31 11205.3, to monitor all licensed traffic violator schools.

32 (b) The department may annually audit the records of a
33 licensee. Auditing includes, but is not limited to, the review and
34 examination of business records, class records when applicable,
35 business practices, and the content of the program of instruction
36 set forth in the lesson plan or curriculum of a licensee.

37 (c) Inspecting includes, but is not limited to, the review of the
38 business office, branch office, and applicable classroom facilities
39 of a licensee.

(d) Monitoring includes the onsite review of the actual presentation of the program of traffic safety instruction provided in a classroom mode of instruction. The department shall develop forms to be used for monitoring by the department or by a court assistance program under subdivision (d) of Section 11205.3. Whenever a traffic safety class is monitored by the department or a court assistance program, the monitoring agency shall mail a copy of the monitoring report to the traffic violator school owner. Any subsequent monitoring report related to the same class shall be mailed to the traffic violator school owner. A copy of a monitoring report required to be mailed to a licensee shall be sent within 20 days after the date of monitoring.

(e) To the extent that funding is available, the department shall endeavor to monitor one representative class of a classroom based licensee at least once every 180 days in each county in which the licensee provides traffic safety instruction. The department's monitoring of a licensee's program of traffic safety instruction may be conducted without advance notice to the licensee. The department shall provide the resources and staffing for these monitoring functions that are commensurate with the moneys appropriated by the Legislature to the department under Section 11208.

SEC. 10. Section 11222 of the Vehicle Code is amended to read:

11222. The department may contract with a ~~nongovernmental~~ public or private nonprofit entity to administer any part of this chapter, subject to limitations in other laws regarding contracting out for services. No contract shall exceed three years' duration. The contracting entity, ~~and any affiliate or subsidiary thereof~~ monitoring traffic violator schools, shall conform to all of the following requirements:

(a) Engage in no other business activity with a traffic violator ~~schools school~~ or any ~~of the principals of the traffic violator schools~~ principal of a traffic violator school, including the provision of services or supplies.

(b) Provide reports in ~~statistical form to the~~ the form required by the department and to the Legislature as instructed by the department. These reports shall be issued not less frequently than annually.

1 (c) Make its records available for inspection by authorized
2 representatives of the department, the Legislative Analyst, and the
3 State Auditor.

4 (d) *The public or private nonprofit entity may not subcontract*
5 *any obligations it may have under this contract with the*
6 *department.*

7 SEC. 11. *This act shall not become operative if Assembly Bill*
8 *No. 435 of the 2003–04 Regular Session is enacted and becomes*
9 *operative on or before January 1, 2004.*

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12 **All matter omitted in this version of the**
13 **bill appears in the bill as introduced in the**
14 **Assembly, February 21, 2003 (JR 11)**
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